

REMARKS

This is in response to the Office Action mailed June 2, 2002, a Final Rejection in the above identified application, which application is related to candles or lamps comprising a solid fuel element, a consumable wick, and a heat conductive container for said fuel element, wherein the container is configured so as to cause melted fuel to flow to the wick, and wherein said heat conductive container further comprises heat conductive elements to channel heat from a flame upon the wick to the container to cause said fuel element to more rapidly melt. In response to said Final Rejection, Applicants herewith submit a new slate of Claims more clearly pointing out the invention and distinguishing over the prior art of record, so as to overcome all objections and rejections applied by the Examiner. In effect, Applicants have amended all claims to recite those limitations present in claims previously indicated as allowable by the Examiner. In light of the amendment of said Claims, and in view of the remarks which follow, Applicants request reconsideration of this application, and an early notification of the allowance thereof.

In the final Rejection of July 2, 2002, the Examiner has rejected Claims 1-3, 5, 6, 18, and 19 under 35 USC 102(b) as anticipated by Schirneker (DE 19508962), Claim 16 under 35 USC 102(a) as anticipated by Owen (WO 99/17055), and Claims 16 and 17 under 35 USC 102(b) as anticipated by Baumer (US 407,051). In addition, the Examiner has rejected claims 12 and 15 under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Schirneker.

However, the Examiner has allowed Claims 7, 8, 10, and 11, while indicating that claim 14 is objected to but would be allowable if rewritten in independent form incorporating the limitations of the base claim and any intervening claims.

Upon close review of the Examiner's position, it is clear that the presence of a *consumable* wick, rather than a non-consumable wick, is critical to the patentability of the claims of the application, as is the use of a heat conductive element selected from

the group consisting of lobes and wick holders with fins, wherein the base of the melting plate candle and the heat element are configured so as to cooperatively engage the fuel. Accordingly, all of the claims of this application have been redrafted so as to recite these elements.

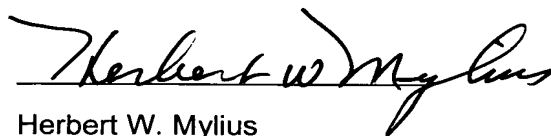
Specifically, it is noted that the Schirneker patent specifically requires a non-consumable wick (see page 5, lines 29-31 of the translation), and that the "starter bumps" of both Owen and Baumer are in direct contact with the wick. The claims of this application relative to the starter bump now recite that the bump is positioned so as to be in close proximity but not in contact with a consumable wick located within the fuel holder. Support for this language is to be found in the drawings of the application as filed, and at page 13, lines 27 *et seq.*

In summary, it is submitted that the references cited fail, either singly, or in combination or in conjunction with any reference of record, to teach or to make obvious the invention set forth in claims 22 - 38, the only claims remaining after entry of the presently submitted amendment. Accordingly, an early notice of allowance of all claims pending in the present application is warranted and solicited.

Respectfully submitted,

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